

## APPEAL NO. 010746

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 9, 2001, the record closed on March 9, 2001. The hearing officer determined that: (1) the respondent (claimant) reached maximum medical improvement (MMI) on June 16, 2000; (2) the claimant's whole body impairment rating (IR) was 20%; and (3) the claimant had disability from June 12, 1998, through the date of the hearing. The appellant (self-insured) appealed the MMI and IR determinations on sufficiency grounds. No response was filed.

### DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Pursuant to Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)) an appeal, to be timely, must be filed not later than the 15th day after the date of receipt of the hearing officer's decision. In its appeal, the self-insured states that it received the hearing officer's decision and order on March 28, 2001. However, records of the Texas Workers' Compensation Commission (Commission) show that the decision was signed for by the self-insured's Austin representative on March 26, 2001. Under Rule 156.1(c), notice to the self-insured's Austin representative is notice to the self-insured. Therefore, the self-insured received the decision of the hearing officer on March 26, 2001, when its representative received it. Accordingly, the last date for the self-insured to timely file an appeal was Tuesday, April 10, 2001. The self-insured's appeal was postmarked April 11, 2001, and sent by facsimile to the Commission on that date. The appeal was stamped as received by the Commission's Chief Clerk of Proceedings on April 11, 2001. The appeal is untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer have become final under Section 410.169.

---

Michael B. McShane  
Appeals Judge

CONCUR:

---

Susan M. Kelley  
Appeals Judge

---

Thomas A. Knapp  
Appeals Judge